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PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number (Optional) 1322/40/2

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Signature

Typed or printed name Shaylor D. Anderson

Application Number 09/627,253	Filed July 28, 2000
First Named Inventor John R. Mason	
Art Unit 2616	Examiner Nguyen, Toan D.

Applicant requests review of the rejection of the claims in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 41,985
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

Signature

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February 26, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 forms are submitted.

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Shaylor D. Anderson
Date of Signature 2/26/07

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mason et al.

Serial No.: 09/627,253

Filed: July 28, 2000

Confirmation No.: 2388

Group Art Unit: 2616

Examiner: Nguyen, Toan D.

Docket No.: 1322/40/2

For: PRESENCE REGISTRATION AND ROUTING NODE

****

APPLICANTS' STATEMENT IN SUPPORT OF THE PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicants respectfully request pre-appeal brief review of the rejection of the claims pursuant to the Pre-Appeal Brief Conference Pilot Program set forth in the Official Gazette Notice dated July 12, 2005 and extended indefinitely by the Notice dated January 10, 2006.

Claims 29, 47, 48, and 76 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,301,609 to Aravamudan et al. (hereinafter, "Aravamudan").

Independent claims 29 and 42 respectively recite a presence registration and routing node and a computer program product where an SS7 message is received and a presence server compatible message is generated, based on the SS7 message, and sent to a presence server to update the status of a target end user. In other words, in both of these claims, a presence registration message is generated based on a received SS7 message. Two examples in the present application where presence registration messages are generated based on SS7 messages appear in Figure 8 and Figure 9 where a presence registration message is generated based on a location update and ISUP IAM message, respectively. Generating presence registration messages based on received SS7 signaling messages is advantageous because it does not require that the user or the user's client software generate presence registration messages.

The Office Action clearly fails to set forth a prima facie case as to how any portion of Aravamudan discloses generating a presence registration message based on

a received SS7 message. In the Official Action, it is indicated that column 7, lines 1-3 and step **230** of Figure 5 disclose generating a presence server compatible message based on an SS7 message. Column 7, lines 1-8 of Aravamudan states as follows:

> In step **230**, assume that the user initially logs on to the network utilizing one of the user's client premises equipment (CPE) devices. The client software installed on the accessing CPE device detects the network connectivity, in accordance with step **232**. The client's CPE software generates a message indicating the user's online status and current address and in accordance with step **234**, conveys the message to the instant messaging (IM) server, indicating the user's online presence and address.

In the above-quoted passage, it can be seen that Aravamudan teaches that a client running on the user's customer premises equipment, i.e., the user's phone, generates the presence registration message. The client generates such a message when the user logs on. The client does not generate a presence registration message based on a received SS7 message as claimed because customer premises equipment devices, such as mobile phones, do not receive SS7 messages. The reliance on this passage in the Office Action as disclosing the generation of a presence registration message based on a received SS7 message results in a clear deficiency in setting forth a prima facie case for anticipation or unpatentability because this passage does not even mention receipt of an SS7 message or devices that would receive such a message. Accordingly, because Aravamudan fails to teach generating a presence registration message based on a received SS7 message as claimed in independent claims 29 and 42, it is respectfully submitted that the rejection of independent claim 29, independent claim 42, and dependent claims 47, 48, and 76 should be reversed.

Claims 1, 6, 7, 22, 24, 25, 30-33, 61-66, 69-72, and 75 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aravamudan in view of U.S. Patent No. 6,760,343 to Krishnamurthy et al. (hereinafter, "Krishnamurthy").

Independent claim 1 recites a method for updating presence information regarding a target end user where a presence registration message is automatically generated based on receipt of an SS7 message for the target end user. Similarly, independent claim 22 recites a presence registration and routing node that receives an

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SS7 message relating to the target end user and automatically generates a presence registration message for the target end user.

As stated above, there is absolutely no teaching or suggestion in Aravamudan of a method or a routing node where a presence registration message is generated based on a received SS7 signaling message. In contrast, Aravamudan teaches the very problem that the Applicants' invention solves, that is, requiring that software on a client device generate a presence registration message. Krishnamurthy likewise lacks such teaching or suggestion. Krishnamurthy is directed to a gateway node that converts between SS7 and IP. There is no mention of generating presence registration messages, not to mention automatically generating such messages based on a received SS7 message. Accordingly, it is respectfully submitted that the rejection of independent claims 1 and 22 and dependent claims 6, 7, 24, 25, 30-33, 61-66, 69-72, and 75 should be reversed.

Claims 2-4, 9, 10, 27, and 28 were rejected as unpatentable over Aravamudan in view of Krishnamurthy and further in view of U.S. Patent No. 5,812,639 to Bartholomew et al. (hereinafter, "Bartholomew").

Claims 2-4, 9, and 10 depend from claim 1, and claims 27 and 28 depend from claim 22. As stated above with regard to the rejection of independent claims 1 and 22, there is absolutely no disclosure, teaching, or suggestion in Aravamudan or Krishnamurthy of generating a presence registration message based on a received SS7 message. Bartholomew likewise lacks such teaching or suggestion. Bartholomew is directed to transmitting messages over a common channel signaling network without using trunks. There is no mention in Bartholomew of generating a presence registration message based on a received SS7 message as claimed. Accordingly, it is respectfully submitted that the rejection of claims 2-4, 9, 10, 27, and 28 as unpatentable over Aravamudan in view of Krishnamurthy and further in view of Bartholomew should be reversed.

Claims 5, 35-40, 46, 73, and 74 were rejected as unpatentable over Aravamudan in view of U.S. Patent No. 7,058,036 to Yu et al (hereinafter, "Yu").

Independent claim 5 recites receiving an SS7 message in response to a telephony based action from a target end user and using information extracted from the SS7 message to update presence information for the target end user in a presence

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database. Independent claim 35 recites a presence registration and routing node where 1) an advanced database communications module receives an IP-encapsulated presence-server-compatible message for determining presence information for a user and 2) a presence server message processor forwards the presence-server-compatible message to a presence server. Thus, claim 25 recites a routing node that routes presence-server-compatible messages to the appropriate presence server.

Regarding independent claim 5, as stated above, Aravamudan fails to teach performing any action based on a received SS7 message. In contrast to updating presence information based on a received SS7 message, Aravamudan teaches that each end user's individual client is responsible for generating its own presence information and sending that presence information to a presence database. (See column 7, lines 1-8 of Aravamudan quoted above.) Yu likewise fails to teach the updating of presence information based on a received SS7 message. Yu is directed to a system for wireless instant messaging and was cited as disclosing the status of a target end user in a HLR or a VLR. However, the cited portion of Yu merely indicates that a HLR is updated when a mobile station moves to a new location. There is absolutely no teaching or suggestion of generating a presence-server-compatible message based on a received SS7 message as claimed in independent claim 5. Accordingly, it is respectfully submitted that the rejection of claim 5 as unpatentable over Aravamudan in view of Yu should be reversed.

Regarding independent claim 35, there is no teaching or suggestion in Krishnamurthy or Yu of a presence registration and routing node that receives and routes a presence-server-compatible message to a presence server. The above-quoted passage from Aravamudan indicates that presence registration messages are communicated from the handset directly to the instant messaging server. There is no mention of a routing node that routes such messages to the presence server. Yu likewise lacks such teaching or suggestion. As stated above, Yu was cited as transferring IP-encapsulated SS7 messages between IP signaling links. However, as described above, there is no mention in Yu of generating or routing a presence server compatible message to a presence database as claimed in claim 35. Accordingly, it is respectfully submitted that the rejection of claim 35 as unpatentable over Aravamudan in view of Yu should be reversed. Claims 36-40, 46, 73, and 74 depend from and

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further limit either claim 5 or claim 35. Accordingly, the rejection of these claims should also be reversed.

Claim 23 was rejected as unpatentable over Aravamudan in view of Krishnamurthy and further in view of Yu.

Claim 23 depends from claim 22. Claim 22 recites a presence registration and routing node that receives an SS7 message and generates a presence server compatible message based on the SS7 message. For the reasons stated above, neither Aravamudan, Krishnamurthy, nor Yu teach a routing node that receives an SS7 message and generates a presence-server-compatible message based on the received SS7 message. Accordingly, it is respectfully submitted that the rejection of claim 23 as unpatentable over Aravamudan in view of Krishnamurthy and further in view of Yu should be reversed.

Claims 43-45 were rejected under 35 U.S.C. § 103(a) as unpatentable over Aravamudan in view of Bartholomew.

Claim 43 depends from claim 42. As stated above, Aravamudan and Bartholomew fail to teach generation of a presence-server-compatible message based on a received SS7 message. Accordingly, it is respectfully submitted that the rejection of claims 43-45 as unpatentable over Aravamudan in view of Bartholomew should be reversed.

CONCLUSION

For the reasons set forth above, the rejection of the claims should be reversed.

Respectfully submitted,

JENKINS, WILSON, TAYLOR & HUNT, P.A.

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